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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,459	12/03/2001	Todd M. Evans		5023

7590  
Todd Evans  
1211 B. East Gurley St  
Prescott, AZ 86301

06/04/2003

EXAMINER

ROJAS, BERNARD

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/008,459

Applicant(s)

EVANS, TODD M.

Examiner

Bernard Rojas

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

The office has noted that claims 1-3 in this application are the same as in pending application 09/867,877, US Patent Publication 2003/0050657. If this case is allowed with the same exact claims as the one in the current application, a Double Patenting issue will arise.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said connection bar" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood [US Patent 6,550,356 B1] in view of Godoy et al. [US Patent Publication 2002/0050884 A1].

Claim 1, Underwood discloses A handheld tattooing apparatus [figure 1] with a frame [10] having a connecting bar [11] in order to attach a plurality of electric coils [41, 42] each with a core [45, 46], having means for attachment [43, 44] a electrical power supply [60] for providing power to the coils [col. 6 lines 7 -27]. An armature bar [50] connected to the frame biased away from the cores and attracted to the cores by providing power to the cores [col. 5 lines 13-29] including means for disconnecting and establishing the electrical power [53, 55] to the coils depending on the position of the armature [col. 5 lines 13-29]. A tattoo needle [30] attached to the armature bar, the tattoo needle moving with the motion of the armature bar [col. 4 lines 62-65]

Underwood fails to disclose that a portion of the frame is constructed of magnetic material and that the cores of the coils have a rectilinear cross-section, one core having a change in one of its cross-sectional dimension near its end closest the armature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the portion of the frame [11] where the cores are connected of magnetic material in order to create a magnetic closed circuit when the armature bar contacts the cores. This would increase the strength of the magnetic field and the time the armature is in contact with the cores when electrical power to the cores is disengaged.

Godoy et al. discloses the used of square electromagnetic cores [figure 3, the core consists of a post and two retaining washers] with a rectilinear cross-section having a change in cross-sectional dimension near its end closest the armature and a winding of electrically conducting wire [figure 3].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two teaching in order to create an improved tattooing device. The use a of square steel core instead of a round core, increases the surface area where the core contacts the armature bar and improves the magnetism and general movement of the bar. Increasing the amount of metal-to-metal contact results in a significant improvement in the overall functioning of the tattoo machine and the operator's ability to achieve more solid color, smoother shading, and more consistent lines, all of which depend on the rate of movement of the armature bar.[abstract]

Claim 2, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide means for aligning the rectilinear cross-section of the core rotationally as implied by Godoy et al. [figure 4]. In order to obtain the advantages of the square core, all of the contact surface of the square post must contact the armature bar.

Claim 3, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a pin and mating hole as alignment means since its is know in the art at the time.

Claim 4, the change in cross-sectional dimension of the core is an increase to a larger dimension [figure 3].

Claim 5, It would have been obvious to one of ordinary skill in the art at the time the invention was made to change in cross-sectional dimension of the core is a decrease to a smaller dimension in order to direct the magnetic field to a more centered point of contact with the armature bar.

Claim 6, a change in the second cross-sectional dimension of the core closest to the armature [figure 3].

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yacowitz and Nightingale teach a similar tattooing machine.
- Moniz teaches a contact assembly for a tattooing machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (703) 305-3873. The examiner can normally be reached on M-F (7-4:30), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (703) 308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Br  
May 30, 2003

  
**ELVIN ENAD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**  
5/30/03